IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION.

FIRST APPEAL ST.NO.16372 OF 2002.

Konkan Railway Corporation Ltd. : Appellants.

versus

Shri Rama Balu Harekar & Anr : Claimants

And

The Special Land Acquisition

Officer, Ratnagiri : Respondent.

WITH

FIRST APPEAL ST.NO.16395 OF 2002.

Konkan Railway Corporation Ltd. : Appellants.

versus

Kashiram Babu Gurav & ors. : Claimants

And

The Special Land Acquisition

Officer, Ratnagiri : Respondent.

WITH

FIRST APPEAL ST.NO.21929 OF 2002.

Konkan Railway Corporation Ltd. : Appellants.

versus

Sou. Aparna Ashok More : Claimants

And

The Special Land Acquisition

Officer, Ratnagiri : Referee.

WITH

FIRST APPEAL ST.NO.16378 OF 2002.

Konkan Railway Corporation Ltd. : Appellants.

versus

Shri Tukaram Barku Nirmal & ors.: Claimants

And

The Special Land Acquisition

Officer, Ratnagiri : Refree.

WITH

FIRST APPEAL ST.NO.42637 OF 2001.

The State of Maharashtra : Appellants.

versus

Shri Tukaram Barku Nirmal & ors.: Claimants

WITH

FIRST APPEAL NO.108 OF 2005.

The State of Maharashtra : Appellants.

versus

Shri Rama Balu Harekar & Anr : Claimants

Ms.Kiran Bhagali for the Appellant\Konkan Railway
Mr.S.N.Gawade for the appellant/State.
Mr.M.M.Vaidya for the claimants.

CORAM : D.G.DESHPANDE,J.

DATED : 26th September 2005.

COMMON ORAL ORDER

. In all these appeals, by consent, the following order is passed :-

1. By consent of the parties the First Appeals are called out and taken up for final disposal.

2. The First Appeals are partly allowed and the Awards of the trial Court are set aside.

3. Both the sides to appear before the Civil Judge, Sr.Division, Ratnagiri on 17th October 2005. On that date, the respondent/claimants will amend the references so as to include the

appellants-Konkan Railway as party respondents and serve the copy of the amended reference within one week thereof.

4. The trial Court should fix the Land References for hearing and give liberty to both the sides to lead evidence and complete the trial after full opportunity.

5. The appellants are directed to deposit 50% of the decretal amount in the trial court. The claimants respondents shall be entitled to withdraw 25% of the decretal amount after furnishing security to the satisfaction of the trial court. The claimants/respondents will be entitled to withdraw the remaining 25% of the decretal amount deposited in the court without security.

6. The Civil Court to decide the references within six months from the date of first appearance.

7. In view of this order, the appeals filed by the State do not survive. They are disposed of.

7. Certified copy expedited.

[D.G.DESHPANDE,J]